

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Angelyna Asare,

Plaintiff,

v.

Case No. 2:17-cv-405

Jefferson B. Sessions,

Judge Michael H. Watson

Defendant.

Magistrate Judge Jolson

OPINION AND ORDER

Plaintiff sued Defendant Jefferson B. Sessions ("Defendant") on May 11, 2017. ECF No. 1. On August 29, 2017, the Magistrate Judge ordered Plaintiff to show cause why this case should not be dismissed for failure to effect service. ECF No. 4. Plaintiff responded on September 11, 2017, stating that she erroneously believed the Clerk would serve Defendant but that she would complete service as quickly as possible. ECF No. 5. The Court granted Plaintiff an extension until October 4, 2017, to complete service. ECF No. 6.


On September 25, 2017, Plaintiff filed a "Proof of service by Mail," ECF No. 7, which stated that Plaintiff had mailed the relevant documents to Defendant via United States Postal Service Priority Mail. On October 5, 2017, the Court informed Plaintiff that service via priority mail was insufficient and granted Plaintiff an additional fourteen-day extension to complete service. ECF No. 8. After Plaintiff failed to perfect service within that period, the Magistrate Judge

issued a Report and Recommendation ("R&R") recommending that this action be dismissed. ECF No. 9.

Magistrate Judge Jolson issued the R&R pursuant to Federal Rule of Civil Procedure 72(b). Pursuant to that rule, the undersigned must determine *de novo* any part of the Magistrate Judge's disposition that has been properly objected to. Fed. R. Civ. P. 72(b)(3). The undersigned may accept, reject, or modify the R&R, receive further evidence, or return the matter to the Magistrate Judge with instructions. *Id.*

Plaintiff objects to the R&R but does not point to any legal error in the R&R. ECF No. 10. Instead, she provides a list of reasons why she believes the case should proceed on the merits including that Plaintiff's failure to serve the Complaint was not intentional delay. However, there is still no indication on the docket that Plaintiff has executed service upon Defendant in a manner that comports with the Federal Rules of Civil Procedure. Plaintiff was given several opportunities over the course of multiple months to serve Defendant.

Upon *de novo* review, the Court finds that Plaintiff's failure to complete service warrants dismissal. Plaintiff's objection is **OVERRULED**, and the R&R is **ADOPTED AND AFFIRMED**. This case is **DISMISSED WITHOUT PREJUDICE**.
IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT